



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1774

Introduced 2/20/2015, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

705 ILCS 35/2	from Ch. 37, par. 72.2
705 ILCS 35/2f	from Ch. 37, par. 72.2f
705 ILCS 40/2	from Ch. 37, par. 72.42
705 ILCS 45/2	from Ch. 37, par. 160.2

Amends the Circuit Courts Act, the Judicial Vacancies Act, and the Associate Judges Act. Increases the number of resident judges in Cook County from 165 to 270, the new judges to replace vacating judges as vacancies occur in Cook County circuit judgeships and associate judgeships. Reduces the number of circuit judges in Cook County by 94 as vacancies occur on and after the effective date of the amendatory Act. Reduces the number of associate judges in Cook County by 11 as vacancies occur on and after the effective date of the amendatory Act. Provides that resident judgeship vacancies shall be filled by appointment by the Supreme Court. Effective immediately.

LRB099 10980 HEP 31337 b

JUDICIAL NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Circuit Courts Act is amended by changing
5 Sections 2 and 2f as follows:

6 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

7 Sec. 2. Circuit judges shall be elected at the general
8 elections and for terms as provided in Article VI of the
9 Illinois Constitution. Ninety-four circuit judges shall be
10 elected in the Circuit of Cook County prior to the effective
11 date of this amendatory Act of the 99th General Assembly, and
12 for each vacancy that exists on or occurs on or after the
13 effective date of this amendatory Act of the 99th General
14 Assembly, that number shall be reduced by one until the 94
15 circuit judgeships have been allocated to subcircuits, and 3
16 circuit judges shall be elected in each of the other circuits
17 except as provided in this Section. In circuits other than Cook
18 County containing a population of 230,000 or more inhabitants
19 and in which there is included a county containing a population
20 of 200,000 or more inhabitants, or in circuits other than Cook
21 County containing a population of 270,000 or more inhabitants,
22 according to the last preceding federal census and in the
23 circuit where the seat of State government is situated at the

1 time fixed by law for the nomination of judges of the Circuit
2 Court in such circuit and in any circuit which meets the
3 requirements set out in Section 2a of this Act, 4 circuit
4 judges shall be elected in the manner provided by law. In
5 circuits other than Cook County in which each county in the
6 circuit has a population of 475,000 or more, 4 circuit judges
7 shall be elected in addition to the 4 circuit judges provided
8 for in this Section. In any circuit composed of 2 counties
9 having a total population of 350,000 or more, one circuit judge
10 shall be elected in addition to the 4 circuit judges provided
11 for in this Section.

12 Any additional circuit judgeships in the 19th and 22nd
13 judicial circuits resulting by operation of this Section shall
14 be filled, if at all, at the general election in 2006 only as
15 provided in Section 2f-1. Thereafter, however, this Section
16 shall not apply to the determination of the number of circuit
17 judgeships in the 19th and 22nd judicial circuits. The number
18 of circuit judgeships in the 19th judicial circuit shall be
19 determined thereafter in accordance with Section 2f-1 and
20 Section 2f-2 and shall be reduced in accordance with those
21 Sections. The number of circuit judgeships in the 22nd judicial
22 circuit shall be determined thereafter in accordance with
23 Section 2f-1 and Section 2f-5 and shall be reduced in
24 accordance with those Sections.

25 Notwithstanding the provisions of this Section or any other
26 law, the number of at large judgeships of the 12th judicial

1 circuit may be reduced as provided in subsections (a-10) and
2 (a-15) of Section 2f-4.

3 In the 23rd judicial circuit, there shall be no at large
4 circuit judgeships and only resident circuit judges shall be
5 elected as provided in Sections 2f-10 and 2f-11.

6 The several judges of the circuit courts of this State,
7 before entering upon the duties of their office, shall take and
8 subscribe the following oath or affirmation, which shall be
9 filed in the office of the Secretary of State:

10 "I do solemnly swear (or affirm, as the case may be) that I
11 will support the constitution of the United States, and the
12 constitution of the State of Illinois, and that I will
13 faithfully discharge the duties of judge of.... court,
14 according to the best of my ability."

15 One of the 3 additional circuit judgeships authorized by
16 this amendatory Act in circuits other than Cook County in which
17 each county in the circuit has a population of 475,000 or more
18 may be filled when this Act becomes law. The 2 remaining
19 circuit judgeships in such circuits shall not be filled until
20 on or after July 1, 1977.

21 (Source: P.A. 96-108, eff. 7-30-09; 97-1069, eff. 8-24-12.)

22 (705 ILCS 35/2f) (from Ch. 37, par. 72.2f)

23 Sec. 2f. (a) The Circuit of Cook County shall be divided
24 into 15 units to be known as subcircuits. The subcircuits shall
25 be compact, contiguous, and substantially equal in population.

1 The General Assembly shall create the subcircuits by law on or
2 before July 1, 1991, using population data as determined by the
3 1990 Federal census.

4 (b) The 270 ~~165~~ resident judges to be elected from the
5 Circuit of Cook County shall be determined under paragraph (4)
6 of subsection (a) of Section 2 of the Judicial Vacancies Act.

7 (c) The Supreme Court shall allot (i) the additional
8 resident judgeships provided by paragraph (4) of subsection (a)
9 of Section 2 of the Judicial Vacancies Act and (ii) all
10 vacancies in resident judgeships existing on or occurring on or
11 after February 15, 1991 ~~the effective date of this amendatory~~
12 ~~Act of 1990~~, with respect to the other resident judgeships of
13 the Circuit of Cook County, for election from the various
14 subcircuits until there are 18 ~~11~~ resident judges to be elected
15 from each of the 15 subcircuits (for a total of 270 ~~165~~). A
16 resident judgeship authorized before February 15, 1991 ~~the~~
17 ~~effective date of this amendatory Act of 1990~~ that became
18 vacant and was filled by appointment by the Supreme Court
19 before February 15, 1991 ~~that effective date~~ shall be filled by
20 election at the general election in November of 1992 from the
21 unit of the Circuit of Cook County within Chicago or the unit
22 of that Circuit outside Chicago, as the case may be, in which
23 the vacancy occurred.

24 (d) As soon as practicable after the subcircuits are
25 created by law, the Supreme Court shall determine by lot a
26 numerical order for the 15 subcircuits. That numerical order

1 shall be the basis for the order in which resident judgeships
2 are assigned to the subcircuits. After the first round of
3 assignments, the second and all later rounds shall be based on
4 the same numerical order. Once a resident judgeship is assigned
5 to a subcircuit, it shall continue to be assigned to that
6 subcircuit for all purposes.

7 (e) A resident judge elected from a subcircuit shall
8 continue to reside in that subcircuit as long as he or she
9 holds that office. A resident judge elected from a subcircuit
10 after January 1, 2008, must retain residency as a registered
11 voter in the subcircuit to run for retention from the circuit
12 at large thereafter.

13 (Source: P.A. 95-610, eff. 9-11-07.)

14 Section 10. The Judicial Vacancies Act is amended by
15 changing Section 2 as follows:

16 (705 ILCS 40/2) (from Ch. 37, par. 72.42)

17 Sec. 2. (a) Except as provided in paragraphs (1), (2), (3),
18 (4), and (5) of this subsection (a), vacancies in the office of
19 a resident circuit judge in any county or in any unit or
20 subcircuit of any circuit shall not be filled.

21 (1) If in any county of less than 45,000 inhabitants
22 there remains in office no other resident judge following
23 the occurrence of a vacancy, such vacancy shall be filled.

24 (2) If in any county of 45,000 or more but less than

1 60,000 inhabitants there remains in office only one
2 resident judge following the occurrence of a vacancy, such
3 vacancy shall be filled.

4 (3) If in any county of 60,000 or more inhabitants,
5 other than the County of Cook or as provided in paragraph
6 (5), there remain in office no more than 2 resident judges
7 following the occurrence of a vacancy, such vacancy shall
8 be filled.

9 (4) The County of Cook shall have 270 ~~165~~ resident
10 judges on and after the effective date of this amendatory
11 Act of the 99th General Assembly ~~1990~~. Of those resident
12 judgeships, (i) 56 shall be those authorized before
13 February 15, 1991 ~~the effective date of this amendatory Act~~
14 ~~of 1990~~ from the unit of the Circuit of Cook County within
15 Chicago, (ii) 27 shall be those authorized before February
16 15, 1991 ~~the effective date of this amendatory Act of 1990~~
17 from the unit of the Circuit of Cook County outside
18 Chicago, (iii) 12 shall be additional resident judgeships
19 first elected at the general election in November of 1992,
20 (iv) 10 shall be additional resident judgeships first
21 elected at the general election in November of 1994, ~~and~~
22 (v) 60 shall be additional resident judgeships to be
23 authorized one each for each reduction upon vacancy in the
24 office of associate judge in the Circuit of Cook County as
25 those vacancies exist or occur on and after February 15,
26 1991 ~~the effective date of this amendatory Act of 1990~~ and

1 as those vacancies are determined under subsection (b) of
2 Section 2 of the Associate Judges Act until the total
3 resident judgeships authorized under this item (v) is 60,
4 (vi) 11 shall be additional resident judgeships to be
5 authorized one each for each reduction upon vacancy in the
6 office of associate judge in the Circuit of Cook County as
7 those vacancies exist or occur on and after the effective
8 date of this amendatory Act of the 99th General Assembly
9 and as those vacancies are determined under subsection (b)
10 of Section 2 of the Associate Judges Act until the total
11 resident judgeships authorized under this item (vi) is 11,
12 and (vii) 94 shall be additional resident judgeships to be
13 authorized one each for each reduction upon vacancy in the
14 office of circuit judge in the Circuit of Cook County as
15 those vacancies exist or occur on and after the effective
16 date of this amendatory Act of the 99th General Assembly
17 and as those vacancies are determined under Section 2 of
18 the Circuit Courts Act until the total resident judgeships
19 authorized under this item (vii) is 94. Seven of the 12
20 additional resident judgeships provided in item (iii) may
21 be filled by appointment by the Supreme Court during the
22 period beginning on February 15, 1991 ~~the effective date of~~
23 ~~this amendatory Act of 1990~~ and ending 60 days before the
24 primary election in March of 1992; those judicial
25 appointees shall serve until the first Monday in December
26 of 1992. Five of the 12 additional resident judgeships

1 provided in item (iii) may be filled by appointment by the
2 Supreme Court during the period beginning July 1, 1991 and
3 ending 60 days before the primary election in March of
4 1992; those judicial appointees shall serve until the first
5 Monday in December of 1992. Five of the 10 additional
6 resident judgeships provided in item (iv) may be filled by
7 appointment by the Supreme Court during the period
8 beginning July 1, 1992 and ending 60 days before the
9 primary election in March of 1994; those judicial
10 appointees shall serve until the first Monday in December
11 of 1994. The remaining 5 of the 10 additional resident
12 judgeships provided in item (iv) may be filled by
13 appointment by the Supreme Court during the period
14 beginning July 1, 1993 and ending 60 days before the
15 primary election in March of 1994; those judicial
16 appointees shall serve until the first Monday in December
17 1994. The additional resident judgeships created upon
18 vacancy in the office of associate judge provided in item
19 (v) may be filled by appointment by the Supreme Court
20 beginning on February 15, 1991, and the additional resident
21 judgeships created upon vacancy in the office of associate
22 judge provided in item (vi) and in the office of the
23 circuit judge provided in item (vii) may be filled by
24 appointment by the Supreme Court beginning on the effective
25 date of this amendatory Act of the 99th General Assembly
26 ~~the effective date of this amendatory Act of 1990; but no~~

1 additional resident judgeships created upon vacancy in the
2 office of associate judge provided in item (v) shall be
3 filled during the 59 day period before the next primary
4 election to nominate judges. The Circuit of Cook County
5 shall be divided into units to be known as subcircuits as
6 provided in Section 2f of the Circuit Courts Act. A vacancy
7 in the office of resident judge of the Circuit of Cook
8 County existing on or occurring on or after February 15,
9 1991 ~~the effective date of this amendatory Act of 1990~~, but
10 before the date the subcircuits are created by law, shall
11 be filled by appointment by the Supreme Court from the unit
12 within Chicago or the unit outside Chicago, as the case may
13 be, in which the vacancy occurs and filled by election from
14 the subcircuit to which it is allotted under Section 2f of
15 the Circuit Courts Act. A vacancy in the office of resident
16 judge of the Circuit of Cook County existing on or
17 occurring on or after the date the subcircuits are created
18 by law shall be filled by appointment by the Supreme Court
19 and by election from the subcircuit to which it is allotted
20 under Section 2f of the Circuit Courts Act.

21 (5) Notwithstanding paragraphs (1), (2), and (3) of
22 this subsection (a), resident judges in the 12th, 16th,
23 17th, 19th, 22nd, and 23rd judicial circuits are as
24 provided in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, 2f-9,
25 and 2f-10 of the Circuit Courts Act.

26 (b) Nothing in paragraphs (2) or (3) of subsection (a) of

1 this Section shall be construed to require or permit in any
2 county a greater number of resident judges than there were
3 resident associate judges on January 1, 1967.

4 (c) Vacancies authorized to be filled by this Section 2
5 shall be filled in the manner provided in Article VI of the
6 Constitution.

7 (d) A person appointed to fill a vacancy in the office of
8 circuit judge shall be, at the time of appointment, a resident
9 of the subcircuit from which the person whose vacancy is being
10 filled was elected if the vacancy occurred in a circuit divided
11 into subcircuits. If a vacancy in the office of circuit judge
12 occurred in a circuit not divided into subcircuits, a person
13 appointed to fill the vacancy shall be, at the time of
14 appointment, a resident of the circuit from which the person
15 whose vacancy is being filled was elected. Except as provided
16 in Sections 2f-1, 2f-2, 2f-4, 2f-5, 2f-6, and 2f-9 of the
17 Circuit Courts Act, if a vacancy occurred in the office of a
18 resident circuit judge, a person appointed to fill the vacancy
19 shall be, at the time of appointment, a resident of the county
20 from which the person whose vacancy is being filled was
21 elected.

22 (Source: P.A. 98-744, eff. 7-16-14.)

23 Section 15. The Associate Judges Act is amended by changing
24 Section 2 as follows:

1 (705 ILCS 45/2) (from Ch. 37, par. 160.2)

2 Sec. 2. (a) The maximum number of associate judges
3 authorized for each circuit is the greater of the applicable
4 minimum number specified in this Section or one for each 35,000
5 or fraction thereof in population as determined by the last
6 preceding Federal census, except for circuits with a population
7 of more than 3,000,000 where the maximum number of associate
8 judges is one for each 29,000 or fraction thereof in population
9 as determined by the last preceding federal census, reduced in
10 circuits of less than 200,000 inhabitants by the number of
11 resident circuit judges elected in the circuit in excess of one
12 per county. In addition, in circuits of 1,000,000 or more
13 inhabitants, there shall be one additional associate judge
14 authorized for each municipal district of the circuit court.
15 The number of associate judges to be appointed in each circuit,
16 not to exceed the maximum authorized, shall be determined from
17 time to time by the Circuit Court. The minimum number of
18 associate judges authorized for any circuit consisting of a
19 single county shall be 14, except that the minimum in the 22nd
20 circuit shall be 8 and except that the minimum in the 19th
21 circuit on and after December 4, 2006 shall be 20. The minimum
22 number of associate judges authorized for any circuit
23 consisting of 2 counties with a combined population of at least
24 275,000 but less than 300,000 shall be 10. The minimum number
25 of associate judges authorized for any circuit with a
26 population of at least 303,000 but not more than 309,000 shall

1 be 10. The minimum number of associate judges authorized for
2 any circuit with a population of at least 329,000, but not more
3 than 335,000 shall be 11. The minimum number of associate
4 judges authorized for any circuit with a population of at least
5 173,000 shall be 5. As used in this Section, the term "resident
6 circuit judge" has the meaning given it in the Judicial
7 Vacancies Act.

8 (b) The maximum number of associate judges authorized under
9 subsection (a) for a circuit with a population of more than
10 3,000,000 shall be reduced as provided in this subsection (b).
11 For each vacancy that exists on or occurs on or after February
12 15, 1991 ~~the effective date of this amendatory Act of 1990,~~
13 that maximum number shall be reduced by one until the total
14 number of associate judges authorized under subsection (a) is
15 reduced by 60. Additionally, for each vacancy that exists on or
16 occurs on or after the effective date of this amendatory Act of
17 the 99th General Assembly, that maximum number shall be reduced
18 by one until the total number of associate judges authorized
19 under subsection (a) is reduced by 11. A vacancy exists or
20 occurs when an associate judge dies, resigns, retires, is
21 removed, or is not reappointed upon expiration of his or her
22 term; a vacancy does not exist or occur at the expiration of a
23 term if the associate judge is reappointed.

24 (c) The maximum number of associate judges authorized under
25 subsection (a) for the 17th judicial circuit shall be reduced
26 as provided in this subsection (c). Due to the vacancy that

1 exists on or after the effective date of this amendatory Act of
2 the 93rd General Assembly in the associate judgeship that is
3 converted into a resident judgeship under subsection (a-10) of
4 Section 2f-6 of the Circuit Courts Act, the maximum number of
5 judges authorized under subsection (a) of this Section shall be
6 reduced by one. A vacancy exists or occurs when an associate
7 judge dies, resigns, retires, is removed, or is not reappointed
8 upon expiration of his or her term; a vacancy does not exist or
9 occur at the expiration of a term if the associate judge is
10 reappointed.

11 (d) The maximum number of associate judges authorized under
12 subsection (a) for the 23rd judicial circuit shall be reduced
13 as provided in this subsection (d). Due to the vacancy that
14 exists on or after the effective date of this amendatory Act of
15 the 98th General Assembly in the associate judgeship that is
16 converted into a resident judgeship under subsection (k) of
17 Section 2f-10 of the Circuit Courts Act, the maximum number of
18 judges authorized under subsection (a) of this Section shall be
19 reduced by one.

20 (Source: P.A. 98-744, eff. 7-16-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.